

# TRIALS DIGEST®

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September 12, 2011

**SETTLEMENT RESULT: \$260,000**

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## VEHICLE NEGLIGENCE

**37 TD 14TH 24**

**Passenger injured when struck by vehicle**

### VEHICLE NEGLIGENCE

Motor Vehicle v. Motor Vehicle/Signal Violation/Left Turn/Passenger

### NO COURT/UNFILED SETTLEMENT

*Gitlen v. Newble*, Docket number: BS130358, Downtown. Judge: Not reported. Trial type: Settlement. Settlement date: 7/29/2011.

**SETTLEMENT: \$260,000**

### COUNSEL

Plaintiff: Scott J. Corwin, Law Offices of Scott J. Corwin, Los Angeles.  
Defendant: Jeffrey Cabot Myers, Rifembark & Zurawski, Los Angeles.

### FACTS/CONTENTIONS

According to plaintiff: On May 12, 2008, plaintiff Howard Gitlen, an 82-year-old retiree, was a passenger in a 2001 Honda Passport traveling northbound on Sepulveda Boulevard in the no. 2 left-turn lane preparing to turn to proceed westbound on Lincoln Boulevard. When plaintiff's vehicle was turning left, defendant, who was driving a 2001 Honda Civic southbound on Sepulveda, ran the red light and hit plaintiff's vehicle in the intersection, causing a collision.

Plaintiff alleged that defendant Ryan Newble was negligent in the operation of his vehicle and that all plaintiff's claimed injuries were a direct result of said negligence. Defendant accepted liability and paid the \$50,000 policy limits. Plaintiff then made an underinsured motorist claim. The underinsured motorist carrier disputed the nature and extent of plaintiff's claimed injuries.

### CLAIMED INJURIES

According to plaintiff: Fractured left patella that required an open reduction internal fixation; plaintiff might require a left total knee replacement in the future.

### CLAIMED DAMAGES

According to plaintiff: \$76, 616 past medical; \$50,000 future medical.

### SETTLEMENT DISCUSSIONS

According to plaintiff: Defendant underinsured carrier initially offered \$50,000 new money to plaintiff's original counsel. After two years of going nowhere, plaintiff retained new (present) counsel, who demanded \$200,000 UIM policy limits, which were ultimately tendered. \$10,000 in medical payments was also paid, bringing the total settlement to \$260,000 policy limits.

### EXPERTS

Plaintiff: Not reported.  
Defendant: Earl Warren Brien, M.D., orthopedic surgeon, Los Angeles (310) 423-9887.

### COMMENTS

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